



PATENT
450100-4916

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yasutomo Nishina, et al.
Serial No. : 09/334,424
For : INFORMATION TRANSMITTING APPARATUS AND
METHOD, INFORMATION RECEIVING APPARATUS AND
METHOD, PROVIDER, AND BROADCASTING SYSTEM
Filed : June 16, 1999
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745 Fifth Avenue
New York, NY 10151
(212) 588-0800

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Barrett Shindler
(Typed or printed name of person mailing paper or fee)

Barrett Shindler
(Signature of person mailing paper or fee)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief
Commissioner For Trademarks
P.O. Box 1451
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated July 26, 2006 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

REASONS FOR REQUEST

Claims 1-9 and 22-24 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely “Matsuzaki”) in view of U.S. Patent No. 5,892,894 to Shiroshita et al. (hereinafter, merely “Shiroshita”).

Claims 10-14 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Shiroshita and further in view of U.S. Patent No. 5,801,753 to Eyer et al. (hereinafter, merely “Eyer”).

Claims 15, 17, 19, 21 and 25-28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,111,612 to Ozkan et al. (hereinafter, merely “Ozkan”) in view of Eyer, in further view of Matsuzaki and further in view of Shiroshita.

ARGUMENTS

The §103 Rejections Should be Withdrawn Because the Cited References Do Not Disclose Each and Every Element Recited in the Claims

Claim 1 recites, *inter alia*:

“An information transmitting apparatus which transmits a plurality of signals, said signals including at least video signals and audio signals, to an information receiving apparatus, said information transmitting apparatus comprising:

...wherein said control means controls said multiplexing ratio to enable acquisition of program information in a reduced period of time by increasing transmission of program data when transmission of video data and audio data can be decreased.” (emphasis added)

It is respectfully submitted that the applied combination of Matsuzaki and Shiroshita does not teach the above-recited features of independent claim 1. Specifically, the Office Action states that “Matsuzaki further teaches that said control means controls said

multiplexing ratio to enable acquisition of program information in a reduced period of time by increasing transmission of program data when transmission of video data and audio data can be decreased... Therefore, if audio and video data have a low priority and program information has a high priority, more program information will be transmitted, thereby increasing the transmission rate of the program.” (See Office Action pages 3-4).

The Office Action cites Column 2, lines 26-28, lines 35-39, lines 65-66; Column 3, lines 1-4; Column 4, line 63 - Column 5 line 3 of Matsuzaki, which state “...multiplexing the information according to the priority therein... a priority deciding means for deciding priority corresponding to each of the media information, and a multiplexing controller for controlling multiplexing of each of the media information according to the priority decided... multiplexing according to the priority for each encoded bit stream 75 in a case where there is a limitation in a bit rate per media multiplexed bit stream 76...”.

Applicants respectfully disagree with the assertion that Matsuzaki provides the disclosure missing from Shiroshita.

Applicants submit that multiplexing the information according to the priority corresponding to each of the media information, and a multiplexing controller for controlling multiplexing of each of the media information according to the priority decided, then multiplexing according to the priority for each encoded bit stream in a case where there is a limitation in a bit rate per media multiplexed bit stream as disclosed in Matsuzaki provides no suggestion of controlling said multiplexing ratio to enable acquisition of program information in a reduced period of time by increasing transmission of program data when transmission of video data and audio data can be decreased.

Therefore, Applicants respectfully submit that nothing has been found in Matsuzaki and Shiroshita, taken alone or in combination, that would teach or suggest the above-identified features of independent claim 1. Specifically, Applicants submit that there is no teaching or suggestion of an information transmitting apparatus wherein said control means controls said multiplexing ratio to enable acquisition of program information in a reduced period of time by increasing transmission of program data when transmission of video data and audio data can be decreased, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Independent claims 6, 7, 10-11, 14 and 22-24 recite similar features and are therefore patentable for similar reasons.

Claim 15 recites, *inter alia*:

“An information receiving apparatus which receives multiplexed program information that is comprised of a plurality of multiplexed pairs of encoded signals, each pair of encoded signals having one encoded video signal and one encoded audio signal, said information receiving apparatus comprising:

...wherein said control means enables acquisition of program information in a reduced period of time by increasing reception of program data when transmission of video data and audio data have been decreased.” (emphasis added)

It is respectfully submitted that the applied combination of Matsuzaki, Shiroshita, Ozkan and Eyer does not teach the above-recited features of independent claim 15 for the same reasons as stated above for claim 1.

Therefore, Applicants respectfully submit that nothing has been found in Ozkan, Eyer, Matsuzaki, or Shiroshita, taken alone or in combination, that would teach or suggest the above-identified features of claim 15. Specifically, Applicants submit that there is no teaching or suggestion of an information receiving apparatus wherein said control means enables acquisition

of program information in a reduced period of time by increasing reception of program data
when transmission of video data and audio data have been decreased, as recited in claim 15.

Therefore, Applicants respectfully submit that claim 15 is patentable.

Independent claims 17, 19 and 25-28 recite similar features and are therefore patentable for similar reasons.

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons.

Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:


Thomas F. Presson
Reg. No. 41,442
(212) 588-0800